

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

IN RE:)	Chapter 7 Case No.
JAMES EUGENE TANNER, JR.)	
)	18-30273-SDB
Debtor)	
FARM BUREAU BANK)	
)	
Movant)	
)	CONTESTED MATTER
V.)	
)	
JAMES EUGENE TANNER, JR.)	
JOELYN W. PIRKLE, TRUSTEE)	
)	
Respondents.)	
)	

**TRUSTEE'S RESPONSE TO CREDITOR FARM BUREAU BANK'S
MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, Joelyn W. Pirkle, duly appointed Trustee in the above-captioned case and moves this Court to deny Farm Bureau Bank's request for relief from the automatic stay imposed by 11 U.S.C. §362 and shows the Court the following:

1. On October 29, 2018, Debtor filed a petition with the Bankruptcy Court for the Southern District of Georgia under Chapter 7 of Title 11 of the United States Bankruptcy Code.
2. On October 30, 2018, Joelyn W. Pirkle was appointed Trustee by the United States Trustee's office.
3. On December 10, 2018, Creditor Farm Bureau Bank filed a Motion for Relief from Automatic Stay and attached a UCC Financing Statement (Number 007-2014-030295 filed in Barrow County, Georgia) as proof of its security interest in a 2004 Mac Don 973 VIN: 14096.
4. Debtor's full name as demonstrated on his Georgia Driver's License is "James Eugene Tanner, Jr.". A redacted copy of Debtor's Driver's License is attached hereto as Exhibit A.

5. Pursuant to O.C.G.A. § 11-9-503(a): “A financing statement sufficiently provides the name of the debtor: . . . (4) . . . if the debtor is an individual to whom this state has issued a driver’s license that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver’s license.”
6. Upon information and belief the financing statement does not sufficiently provide the name of the debtor pursuant to O.C.G.A. §11-9-503(a). Farm Bureau Bank’s UCC Financing Statement attached to its Motion for Relief from Automatic State lists the debtor’s name as “James Tanner”.
7. Trustee contends that since Farm Bureau Bank fails to identify the debtor correctly as required by O.C.G.A. §11-9-503, Farm Bureau Bank’s security interest is unperfected and the claim is wholly unsecured.
8. Trustee has prepared an adversary proceeding requesting an Order finding Farm Bureau Bank’s security interest is unperfected and unsecured in the amount of \$18,180.48. The collateral 2004 Mac Don 973 is property of the estate may be liquidated for the benefit of the unsecured creditors.

WHEREFORE, Trustee prays the Court as follows:

1. Deny Creditor Farm Bureau Bank’s Motion for Relief from Automatic Stay; and
2. Grant Trustee such other and further relief as the Court deems just and proper.

Dated this January 14, 2019

/s/ Joelyn W. Pirkle
Joelyn W. Pirkle
Chapter 7 Trustee

273 E. Walnut St.
Jesup, GA 31546
(912) 427-9067

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA

In the matter of:

JAMES EUGENE TANNER, JR.
Debtor(s)

)
)
)
)
)

CHAPTER 7
CASE NO. 18-30273-SDB

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing **Trustee's Response To Creditor Farm Bureau Bank's Motion for Relief from Automatic Stay** by placing the same in the United States Mail with sufficient postage affixed thereto assure delivery to those listed below:

James Eugene Tanner, Jr.
156 Ohoopie River Road
Wrightsville, GA 31096

Chad R. Simon
The Chad R. Simon Law Firm, LLC
P.O. Box 80727
Atlanta, GA 30366

Farm Bureau Bank
Attn: Agent/Officer
P.O. Box 9013
Addison, TX 75001

The following parties will receive electronic service in this case through the electronic filing system of this Court:

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hlfpbankruptcy@hotmail.com

Dated this January 14, 2019

/s/ Joelyn W. Pirkle
Joelyn W. Pirkle
Chapter 7 Trustee

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